

WD 34-2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 21, 2002

Dennie Donahue
5195 N Hwy 93
Mackay, ID 83251

Re: Your Correspondence Dated December 17, 2001

Dear Mr. Donahue,

I have reviewed the above referenced letter concerning the Department's order requiring installation of measuring devices and control works for diversions above the Mackay Reservoir. I apologize for the late response to your correspondence. Your letter seeks an exemption from the order pursuant to Rule 35.05 of the Big Lost River Water Delivery Rules. You have requested an exemption due to the location and conditions of your diversion. It is my understanding that you discussed possible exemption of one or more of your diversions with the watermaster last year.

I discussed your particular diversion or diversions with the watermaster last year prior to sending the Department's order. I have also discussed this matter with the watermaster after receiving your letter. The watermaster believes that an economical solution can be made with respect to measuring and control of your particular diversion as well as all other diversions above the reservoir. Given this recommendation, the Department has not exempted any diversions from the order under Rule 35.05. At this point in time, the Department does not anticipate allowing any exemptions. However, I believe it is reasonable to provide an opportunity to meet with you and the watermaster on site to inspect the diversion and discuss measurement and control options for your diversion. I or other staff will arrange a visit with you this spring or sooner if necessary to inspect the diversion and discuss options with you.

Please contact me directly at 327-7864 if you have additional questions or require further assistance regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tim Luke', is written over a horizontal line.

Tim Luke
Water Allocations

Cc: Doug Rosenkrance, Watermaster

RECEIVED

DEC 20 2001

Department of Water Resources

December 17, 2001

Idaho Department of Water Resources
1301 North Orchard St.
P. O. Box 83720
Boise, ID 83720-0098

Dear Sirs:

In your notice dated June 18, 2001 requiring the installation of measuring devices and lockable controlling works you referenced Rule 35.05 which allows for the potential exemption of some water users from the requirements of this order.

Due to the location of the point of diversion of my water right I would like to be considered for exemption. I believe the conditions at my point of diversion will make it difficult if not impossible to place a structure capable of meeting the requirements outlined by the department.

Your help in this matter would be appreciated. Please feel free to contact me at (208) 588-2810 if you have any questions.

Sincerely,

Dennie Donahue

Dennie Donahue
5195 N Hwy 93
Mackay, ID 83251